IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 9907 of 2007(D)

PETITIONER:

MRS.VALSALA.G.NAIR,
SURYA CHANDRA TRANSPORTING, LAHAYIL, NIRANAM,
THIRUVALLA.

BY ADV. SRI.K.S.VIJAYAKUMAR

RESPONDENTS:

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1. THE MANAGING DIRECTOR,
THE TRAVANCORE SUGARS AND CHEMICALS LTD.,
VALANJAVATTAM, THIRUVALLA.

2. SECRETARY FOR INDUSTRY,
SECRETARIAT, THIRUVANANTHAPURAM.

3. M/S.ST.ANTON'S LORRY BOOKING OFFICE,
CHANGANACHERRY.

BY SRI.A.M.SHAFFIQUE -SC B/0
GOVERNMENT PLEADER SRI. I.V. PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.9907 OF 2001

DATED THIS THE 29th DAY OF MAY, 2007

JUDGMENT

The learned counsel for the petitioner is absent. The petitioner is challenging the award of tender for transporting Indian Made Foreign Liquor from the 1st respondent Company to various destinations to the 3rd respondent. Admittedly, the 3rd respondent is the lowest tenderer. The petitioner's contention is that as per the tender notification, preference is to be granted to the tenderers having previous experience and therefore notwithstanding the fact that the petitioner's bid is higher than that of the 3rd respondent, the petitioner has to be preferred. I am of opinion that such preference can be given only when the rates quoted by both are equal. Further, if the petitioner's contention is accepted, he alone would be entitled to award of the tender irrespective of his quotation, because he has been the contractor for some time, which cannot be the purport of preference.

In the above circumstances, I do not find any merit in the writ petition and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

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